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**Request  
For  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/415,654
Filing Date	10/12/99
First Named Inventor	D.L. McNeely
Art Unit	2634
Examiner Name	Lawrence B. Williams
Attorney Docket Number	RCA 89,830

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
ii. ☐ Other \_\_\_\_\_

- b. ☒ Enclosed

- i. ☐ Amendment/Reply  
ii. ☐ Affidavit(s)/Declaration(s)

- iii. ☒ Information Disclosure Statement  
iv. ☒ Other Petition to Withdraw from Issue

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)  
b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.


- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-0832

- i. ☒ RCE fee required under 37 C.F.R. 1.17(e)  
ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)  
iii. ☐ Other \_\_\_\_\_

- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed  
c. ☐ Payment by credit card (Form PTO-2038 enclosed)

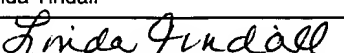
**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	Jeffrey M. Navon	Registration No. (Attorney/Agent)	32,711
Signature		Date	2/8/05

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print /Type)	Linda Tindall	Date	2/9/05
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

COPY ONLY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David Lowell McNeely  
Serial No. : 09/415,654  
Filed : October 12, 1999  
For : SAMPLED DATA DIGITAL FILTERING SYSTEM  
Art Unit : 2634  
Examiner : Lawrence B. Williams

COPY ONLY

PETITION TO WITHDRAW FROM ISSUE  
PURSUANT TO 37 C.F.R. §1.313(B)(5)

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RECEIVED**  
FEB 15 2005  
**OFFICE OF PETITIONS**

Sir:

Pursuant to 37 C.F.R. § 1.313(b)(5), petition is hereby made to withdraw the subject application from issue for abandonment to permit consideration of an Information Disclosure Statement (IDS) under 37 C.F.R. § 1.97 in a continuing application.

In response to a Notice of Allowance dated June 22, 2004, a completed issue fee transmittal form (form PTOL-85) was filed on September 22, 2004 for the purpose of paying the issue fee for the subject application.

Withdraw from issue is requested to permit the Examiner to consider the references cited in the Information Disclosure Statement. A Request for Continued Examination (RCE) under 37 C.F.R. 1.114 and an IDS under 37 C.F.R. §1.97, including copies of the Information Disclosure Statement and cited references, accompany this petition.

Granting of this petition, entry of the accompanying RCE and consideration of the accompanying IDS are believed to be in order and such action is requestfully requested.

CUSTOMER NO.: 24498  
Ser. No. 09/415,654

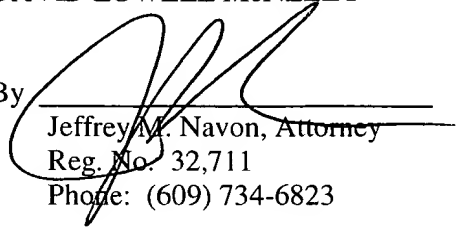
PATENT  
RCA 89,830

Please charge the required fee of one hundred thirty dollars (\$130.00) for this Petition to Withdraw from Issue, pursuant to 37 C.F.R. 1.17(i), and any other required fees, to Deposit Account 07-0832.

Respectfully submitted,

DAVID LOWELL McNEELY

By

  
Jeffrey M. Navon, Attorney  
Reg. No. 32,711  
Phone: (609) 734-6823

JMN:lat

Enclosures

Patent Operations  
Thomson Licensing Inc.  
P.O. Box 5312  
Princeton, NJ 08543-5312

February 8, 2005

Certificate of Mailing Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

2/9/05  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Linda Tindall

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> for FY 2005		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/415,654
TOTAL AMOUNT OF PAYMENT (\$)		Filing Date	10/12/99
920.00		First Named Inventor	David Lowell McNeely
		Examiner Name	Lawrence B. Williams
		Art Unit	2634
		Attorney Docket No.	RCA 89,830

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**FEB 15 2005**  
**OFFICE OF PETITIONS**

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order

☐ None

☐ Other (please identify):

Customer Number 24498

☒ Deposit Account: Deposit Account Number 07-0832

Deposit Account Name: THOMSON LICENSING INC.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

☒ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity	
Fee (\$)	Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
360	180

Multiple dependent claims

Total Claims - 20 or HP = Extra Claims Fee (\$)

HP = highest number of total claims paid for, if greater than 20.

Independent Claims - 3 or HP = Extra Claims Fee (\$)

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = Extra Sheets / 50 = Number of each additional 50 or fraction thereof Fee (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

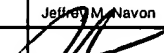
Fees Paid (\$)

790.00

Other (e.g., late filing surcharge): Request for Continued Examination and Petition to Withdraw from Issue

130.00

SUBMITTED BY

Name (Print/Type)	Jeffrey M. Navon	Registration No. (Attorney/Agent)	32,711	Telephone	609-734-6823
Signature					

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

CUSTOMER NO. 24498

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.  
RCA 89,830

SERIAL NO.  
09/  
415,654

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

(Use several sheets if necessary)

APPLICANT  
David Lowell McNeely

FILING DATE  
October 12, 1999

GROUP  
2634

**U.S. PATENT DOCUMENTS**

EXAMINE INITIAL	DOCUMENT NUMBER	ISSUE DATE	APPLICANT/PATENTEE	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
AA	4,745,462	05/17/88	R. A. Dischert et al.	358	21R	
AB	5,784,378	07/21/98	B. P. Murray et al.	370	498	
AC						
AD						
AE						
AF						
AG						
AH						
AI						

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FEB 15 2005

JUL 09 2004

OFFICE OF PETITIONS Technology Center 2600

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	PUBL. DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION Yes No
AL						
AM						
AN						
AO						
AP						
AQ						

**OTHER INFORMATION (Including Author, Title, Pub.Date, Pertinent Pages, Country, Etc.)**

AR	"Mirror-Image Symmetric Perfect-Reconstruction FIR Filter Banks: Parametrization and Design", Kofidis E. et al., SIGNAL PROCESSING, AMSTERDAM, NL, vol. 68, no. 1, 20 July 1998, pp. 1-21.
AS	"A Generalized Structural Subband Decomposition of FIR Filters and its Application in Efficient FIR Filter Design and Implementation", Sanjit K. Mitra et al., IEEE Transactions on Circuits and Systems II: Analog and Digital Signal Processing, IEEE Inc., New York, US, vol. 40, no. 6, 1 June 1993, pages 363-374.
AT	"Pre-Interpolation Filters for Upsampling", Miao, G. J. et al., Motorola Technical Developments, Motorola Inc., Schaumburg, Illinois, US, vol. 34, 1 March 1998, pages 141-144.
AU	"Adaptive FIR Filter Structure Based on the Generalized Subband Decomposition of FIR Filters", Petraglia, M. R. et al., IEEE Transactions on Circuits and Systems II: Analog and Digital Signal Processing, IEEE Inc., New York, US, vol. 40, no. 6, 1 June 1993, pages 354-362.
AV	(European Search Report dated January 28, 2002 & Chinese Office Action dated March 2, 2004, both enclosed.)

EXAMINER

DATE CONSIDERED

Submitted by: *Jeffrey M. Navon*

12/17/04

SUBMITTED BY:

REG.NO.:

DATE:

Jeffrey M. Navon

32,711

June 30, 2004

BEST AVAILABLE COPY